

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

MERLINE MITCHELL,

Case No.: 22-40487-jmm

Debtor.

Judge: Hon. Jil Mazer-Marino

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ORDER APPROVING LOAN MODIFICATION AGREEMENT

On ~~July~~ **September 13, 2022 (JMM)**, the motion **[ECF No. 32] (JMM)** (the “Motion”) of Rushmore Loan Management Services, LLC as servicer for U.S. Bank Trust National Association, as Trustee of the Dwelling Series IV Trust (together with any successor or assign, “Movant”) ~~dated October 13, 2022, was heard before the Court~~ **filed and settled on notice (JMM)**, seeking an order approving the terms of the loan modification agreement, which modifies the first mortgage on the Debtor’s real property located 532 E. 82nd Street, Brooklyn, NY 11236 (the “Property”). This Court, having considered the evidence presented, there being due and sufficient notice of the Motion, there being no opposition, and with good cause appearing therefore, it is hereby:

ORDERED, that Debtor is authorized to enter into the Loan Modification Agreement annexed ~~hereto~~ **to the Motion (JMM)** as **Exhibit “A;”** and it is further

ORDERED, that the obligations due ~~Creditor~~ **Movant (JMM)** pursuant to the Note are secured by a duly perfected lien and Mortgage upon the Property as evidenced by a duly record Mortgage, which lien and security interest is valid and remains in full force and effect, and the modification authorized by the Order shall not modify the priority of the Mortgage as originally filed; and it is further

ORDERED, that the terms of the Note and Mortgage are not amended other than as detailed in the Loan Modification Agreement; and it is further

ORDERED, that nothing in the Order shall be understood or construed to be satisfaction or release in whole or in part of the Note and Mortgage; and it is further

ORDERED, that the Chapter 13 Trustee shall not make any payments on Movant's timely Proof of Claim, Claim No. 6-1, filed on May 23, 2022, with a total debt of \$735,433.54; and it is further

ORDERED, that Claim No. 6-1 is deemed amended to show zero arrears and to otherwise reflect the terms of the Loan Modification Agreement; and it is further

ORDERED, that upon entry of this Order, any discontinuance of any foreclosure action in state court affecting the Property is approved by this Court, and that any steps taken to discontinue any foreclosure action affecting the Property will not be deemed a violation of the automatic stay; and it is further

ORDERED, that this Court ~~shall~~ **may (JMM)** retain jurisdiction over any dispute arising from or in connection with this Order.

Dated: October 17, 2022
Brooklyn, New York




Jil Mazer-Marino
United States Bankruptcy Judge